

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

NEW ENGLAND CARPENTERS HEALTH
BENEFITS FUND; PIRELLI ARMSTRONG RETIREE
MEDICAL BENEFITS TRUST; TEAMSTERS HEALTH
& WELFARE FUND OF PHILADELPHIA AND
VICINITY; PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE FUND;
DISTRICT COUNCIL 37, AFSCME-HEALTH &
SECURITY PLAN; JUNE SWAN; BERNARD GORTER,
SHELLY CAMPBELL and CONSTANCE JORDAN,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri Corporation; and
McKESSON CORPORATION, a Delaware Corporation,

Defendants.

2007 DEC 21 P 4: 38

U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION
NO. 05-CV-11148 PBS

DISTRICT COUNCIL 37 HEALTH AND SECURITY
PLAN, ON BEHALF OF ITSELF AND ALL OTHERS
SIMILARLY SITUATED,

Plaintiff,

v.

MEDI-SPAN, a division of WOLTERS KLUWER
HEALTH, INC.,

Defendant.

CIVIL ACTION
NO. 07-CV-10988-PBS

**MOTION BY DEVILLE PHARMACIES, LONG TERM CARE PHARMACY
ALLIANCE, AND THE AMERICAN SOCIETY OF CONSULTANT PHARMACISTS
TO INTERVENE AND REQUEST FOR ORAL ARGUMENT**

DeVillev Pharmacies, Inc. ("DeVillev"), the Long Term Care Pharmacy Alliance
("LTCPA"), and the American Society of Consultant Pharmacists ("ASCP") (together,

“Movants”), by and through their undersigned counsel, hereby move to intervene in this action pursuant to Federal Rule of Civil Procedure 24 for the limited purpose of opposing the proposed settlements in the above-captioned matters between Plaintiffs and First DataBank, Inc. (“FDB”), dated August 3, 2006, and between Plaintiffs and Medi-Span, dated May 22, 2007 (together, the “Proposed Settlements”), as set forth in the accompanying memorandum of law and Declarations of V. Thomas DeVille, Thomas Clark and Darrell McKigney.

In addition, pursuant to this Court’s Orders of August 20, 2007 (05-CV-11148) and August 21, 2007 (07-CV-10988), Movants submit the accompanying memorandum of law and Declarations of V. Thomas DeVille, Thomas Clark and Darrell McKigney, which set forth the bases for Movants’ opposition to the Proposed Settlements.

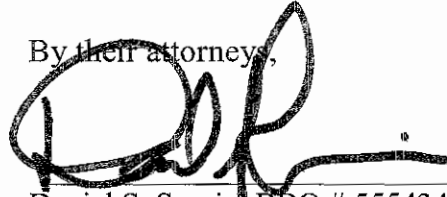
REQUEST FOR ORAL AGRUMENT

Movants hereby request to be heard on their motion to intervene and opposition to the proposed settlements at or before the Final Approval Hearings scheduled for January 22, 2008 at 2:00pm.

Respectfully submitted,

DEVILLE PHARMACY, INC.,
AMERICAN SOCIETY OF
CONSULTANT PHARMACISTS, and
LONG TERM CARE PHARMACY
ALLIANCE

By their attorneys,



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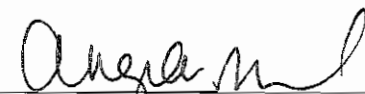
David J. Farber
Edward D. Gehres, III
PATTON BOGGS LLP
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Washington, DC 20037

Dated: December 21, 2007

LOCAL RULE 7.1 CERTIFICATE

I certify that on December 19 and 21, 2007, I conferred with counsel for Plaintiffs; First Databank, Inc.; and Medi-Span regarding this motion, and was advised that none of these parties assent to the relief sought in the within motion to intervene.

Dated: December 21, 2007


Angela J. Neal

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by first class mail on December 21, 2007, as follows:

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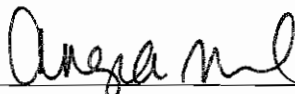
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